The Office rejects claims 1, 14, 16, 49-50, 52, 54-57, 68, 70-72, 74, 76-79, 90, 92-94, 96, 98-101, 112, and 114-115 under 35 U.S.C. §102(b) as purportedly being unpatentable over Olbricht (6,429,952), and rejects claims 15, 51, 53, 58-67, 69, 73, 75, 80-89, 91, 95, 97, 102-111, and 113 under 35 U.S.C. §103(a) as purportedly being obvious over Olbricht in combination with various other references. Applicant respectfully traverses each of these rejections.

### Discussion of Olbricht

Olbricht is directed to a web browser interface that is already loaded on a user's terminal for controlling a scanner (col. 2, lines 25-28). To scan a page, a user enters the IP address or the URL of the scanner into the web browser (col. 3, lines 25-28). This causes the browser to retrieve an HTML-format page from the scanner, which a set of configuration parameters and a preview of the image (col. 3, lines 28-30). The user then selects the desired parameters and clicks the "Scan" button, which causes the scanner to scan the image and generate a data stream representative of the scanned image in the form of a file (col. 3, lines 30-33). The file is returned to the user via the browser interface, and the user may view the image from within the browser and/or may save the file via the browser (col. 3, lines 33-36).

### Claim 1

Claim 1 recites, *inter alia,* an act of, "in response to selection of the button, retrieving at least one picture that includes content previously associated with the electronic document."

In Applicant's previous response, Applicant pointed out that Olbricht fails to disclose or suggest this limitation as, in Olbricht, the image that is streamed from the scanner to the web browser is a not an image that was previously associated with the web page. Applicant noted that, in Olbrich, an image is not even created until the user selects the "Scan" button and therefore cannot have been previously associated with the electronic document. Thus, in Olbricht, when a user selects the "Scan" button, a new image is streamed from the scanner to the web browser, not an image previously associated with the electronic document.

In response to this argument, the Office Action indicates that when a user is presented with a preview image generated by the scanner, the user "makes any needed adjustments according to the

preview image displayed, and selects the 'Scan' button to generate the actual scan of the content represented in the preview. At that point, the web-based user interface (web page) is associated with the content that is scanned by those previously set parameters which are now characteristics of the scanned content." *See* Office Action, page 24.

During the interview, Applicant's representative indicated that it appeared from these comments that the Examiner considered the image generated by the scanner to be associated with the web page that serves as an interface to the scanner. Applicant's representative asked the Examiner to explain how he was interpreting Olbricht to disclose retrieving at least one picture that includes content previously associated with the electronic document in response to selection of a button, as Applicant's understanding of Olbricht is that, in response to a user selecting the "Scan" button, a new image is generated, rather than an image previously associated with the electronic document being retrieved.

In response, the Examiner indicated that he agreed that, in Olbricht, when a user selects the "Scan" button, a previously-associated picture is not retrieved, but rather the scanner is instructed to generate a new image, which is subsequently displayed. The Examiner indicated that, in light of this understanding of Olbricht, he now believes claim 1 patentably distinguishes over Olbricht.

As the Examiner now believes that claim 1 is patentable over Olbricht, it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 14-16 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

### Claims 49, 71, and 93

Each of independent claims 49, 71, and 93 includes a limitation that relates, in one way or another, to associating at least one image captured by an image capture application with a first location in an electronic document. Olbricht fails to disclose or suggest any such limitation.

In Applicant's previous response, Applicant pointed out that Olbricht does not disclose or suggest that an association between the scanned image and the web page is created as, in Olbricht, the image is temporarily displayed in the web page until the next image is scanned.

In response to this argument, the Office Action appears to indicate that the claim term "associating" is being given a broad construction and that the Examiner considers initially captured content from the scanner which is displayed to a user in a web-based user interface to be associated with the web-based user interface until the next image is scanned. *See* Office Action, page 25.

Applicant respectfully disagrees that merely displaying an image on a web page can be considered associating the image with the web page. As Olbricht fails to disclose or suggest associating at least one image captured by an image capture application with a first location in an electronic document, claims 49, 71, and 93 each patentably distinguishes over Olbricht. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Claims 50-70 depend from claim 49, claims 72-92 depend from claim 71, and claims 94-114 depend from claim 93. Each of these dependent claims is patentable for at least the same reasons as the independent claim from which it depends. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

### *Claim 115*

Claim 115 recites, *inter alia*, an act of, "in response to selection of the button, calling the data capture application so that the data capture application provides a live view from the data capture device on the display." Olbricht fails to disclose or suggest this limitation.

The Office Action appears to assert that Olbricht discloses calling a data capture application so that the data capture application provides a live view from a data capture device on a display asserting that, in Olbricht, when the user selects the "Preview option a live view is provided.

Applicant respectfully disagrees with this characterization of Olbricht. In Figure 2, Olbricht shows an example of a web page that serves as a user interface for a scanner. The web page includes a "Preview" button 48. Olbricht states, "[w]hen the object to be scanned is properly placed in the scanner, a "Scan" button 46 is clicked. The user may also select the "Preview" option, button 48 (col. 3, lines 49-51)." This is the only mention of the "Preview" button in Olbricht and, as should be clear from the portion of Olbricht quoted above, Olbricht is silent as to what happen when this button is selected. Olbricht certainly does not disclose or suggest that a live view from the a data capture device is provided when the "Preview" button is selected.

Thus, claims 115 patentably distinguishes over Olbricht. Accordingly, it is respectfully requested that the rejection of claim 115 be withdrawn.

## CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.


Dated: June 17, 2008                     Respectfully submitted,

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